

REMARKS

This Reply cancels claims 54-79 and adds claims 80-83. With claims 1-24 having been previously withdrawn, claims 1-53 and 80-81 are pending in this application. Support for the new claims can be found throughout the disclosure, including at least pages 34-38 and figure 11B. No new matter is added.

Rejection Under § 101

In the Office Action of March 18, 2008, claims 54-62 were rejected under 35 U.S.C. § 101 as failing to fall within a statutory category. Claims 54-62 have been cancelled, rendering moot their rejection under § 101.

Rejections Under § 102

In the Office Action of March 18, 2008, claims 25-79 were rejected under 35 U.S.C. § 102 based on U.S. Patent Application Publication No. 2004/0003041 ("*Moore*"); under 35 U.S.C. § 102 based on U.S. Patent No. 6,629,793 ("*Miller*"); under 35 U.S.C. § 102 based on U.S. Patent No. 7,159,008 ("*Wies*"); under 35 U.S.C. § 102 based on U.S. Patent Application Publication No. 2006/0173959 ("*McKelvie*"); and under 35 U.S.C. § 102 based on U.S. Patent Application Publication No. 2005/0227676 ("*De Vries*").

Withdrawal of the claim rejections and the timely allowance of the pending claims is requested for at least the following reasons.

***Moore* does not anticipate the claims**

The section 102 rejection of claims 25-79 based on *Moore* should be withdrawn because *Moore* fails to anticipate these claims.

Independent claim 25 recites a combination including:

sending a message that includes a text message and a persona selected among multiple possible personas associated with the instant messaging sender to be displayed by the potential instant messaging recipient when displaying the text message, the selected

persona comprising a collection of one or more self-expression items and a sender avatar capable of being animated.

Moore fails to disclose at least these “sending” features. *Moore* discloses a messaging response system where multiple respondents servicing users through messaging communications may appear to simultaneously use a common “screen name” identifier. *See Moore*, Abstract. On page 4, the Office Action asserts that pages 5 and 6 of *Moore* disclose the claimed “sending” features. However, both of these pages, as well as the entire disclosure, fail to disclose the sending of a persona comprised of, among other things, a sender avatar capable of being animated. The Office Action appears to equate the multiple possible personas of independent claim 25 with the multiple respondents taught by *Moore*. This equation fails, however, in that personas of claim 25 are data abstractions whereas the respondents taught by *Moore* are physical entities, whether human or otherwise, acting through a single screen name. Furthermore, there is no part of *Moore* that discloses an avatar capable of being animated.

Because *Moore* fails to disclose each and every feature of claim 25, the section 102 rejection of this claim and its dependent claims 26-53 should be withdrawn.

***Miller* does not anticipate the claims**

The section 102 rejection of claims 25-79 based on *Miller* should be withdrawn because *Miller* fails to anticipate these claims.

Independent claim 25 recites a combination including:

sending a message that includes a text message and a persona selected among multiple possible personas associated with the instant messaging sender to be displayed by the potential instant messaging recipient when displaying the text message, the selected persona comprising a collection of one or more self-expression items and a sender avatar capable of being animated.

Miller fails to disclose at least these “sending” features. *Miller* discloses a keyboard system for generating emoticons and abbreviations. *See Miller*, Abstract. On page 4, the Office Action asserts that columns 5 and 14 of *Miller* disclose the claimed “sending” features. However, both of these columns, as well as the entire disclosure, fail to disclose the sending of a persona comprised of a collection of one or more self expression items and a sender avatar capable of being animated. The Office Action appears to equate the multiple possible personas

of independent claim 25 with the emoticons disclosed by *Miller*. This equation fails, however, in that the personas comprise both a collection of one or more self expression items and a sender avatar capable of being displayed. The emoticons can, at best, be equated to either a self expression item or an avatar, but not both. Furthermore, there is no part of *Miller* that discloses that the emoticons are capable of being animated, as are the avatars of independent claim 25.

Because *Miller* fails to disclose each and every feature of claim 25, the section 102 rejection of this claim and its dependent claims 26-53 should be withdrawn.

***Wies* does not anticipate the claims**

The section 102 rejection of claims 25-79 based on *Wies* should be withdrawn because *Wies* fails to anticipate these claims.

Independent claim 25 recites a combination including:

sending a message that includes a text message and a persona selected among multiple possible personas associated with the instant messaging sender to be displayed by the potential instant messaging recipient when displaying the text message, the selected persona comprising a collection of one or more self-expression items and a sender avatar capable of being animated.

Wies fails to disclose at least these “sending” features. *Wies* discloses a chat interface that allows a user to exchange haptic chat messages with other users in a chat session. *See Wies*, Abstract. On page 4, the Office Action asserts that columns 5 and 6 of *Wies* disclose the claimed “sending” features. However, both of these pages, as well as the entire disclosure, fail to disclose the sending of a persona comprised of, among other things, a sender avatar capable of being animated. In particular, there is no part of *Wies* that discloses an avatar capable of being animated.

Because *Wies* fails to disclose each and every feature of claim 25, the section 102 rejection of this claim and its dependent claims 26-53 should be withdrawn.

***McKelvie* does not anticipate the claims**

The section 102 rejection of claims 25-79 based on *McKelvie* should be withdrawn because *McKelvie* fails to anticipate these claims.

Independent claim 25 recites a combination including:

sending a message that includes a text message and a persona selected among multiple possible personas associated with the instant messaging sender to be displayed by the potential instant messaging recipient when displaying the text message, the selected persona comprising a collection of one or more self-expression items and a sender avatar capable of being animated.

McKelvie fails to disclose at least these “sending” features. *McKelvie* discloses a network based messaging system including multiple agents to communicate messages between multiple users in real time. *See McKelvie*, Abstract. On page 4, the Office Action asserts that pages 16 and 21 of *McKelvie* disclose these claimed “sending” features. However, both of these pages, as well as the entire disclosure, fail to disclose the sending of a persona comprised of, among other things, a sender avatar capable of being animated. The Office Action appears to equate the personas disclosed by *McKelvie* with the personas of independent claim 25. This equation fails, however, in that *McKelvie* does not disclose selecting between multiple possible personas associated with the sender or that each persona comprises, among other things, an avatar capable of being animated.

Because *McKelvie* fails to disclose each and every feature of claim 25, the section 102 rejection of this claim and its dependent claims 26-53 should be withdrawn.

***De Vries* does not anticipate the claims**

The section 102 rejection of claims 25-79 based on *De Vries* should be withdrawn because *Moore* fails to anticipate these claims.

Independent claim 25 recites a combination including:

sending a message that includes a text message and a persona selected among multiple possible personas associated with the instant messaging sender to be displayed by the potential instant messaging recipient when displaying the text message, the selected persona comprising a collection of one or more self-expression items and a sender avatar capable of being animated.

De Vries fails to disclose at least these “sending” features. *De Vries* discloses an information service that provides search and notifications to inform when certain people are nearby so as to facilitate communications with those people. *See De Vries*, Abstract. On page 4, the Office Action asserts that pages 4 and 5 of *De Vries* disclose these claimed “sending”

features. However, both of these pages, as well as the entire disclosure, fail to disclose the sending of a persona comprised of, among other things, a sender avatar capable of being animated. In particular, there is no part of *De Vries* that discloses an avatar capable of being animated.

Because *De Vries* fails to disclose each and every feature of claim 25, the section 102 rejection of this claim and its dependent claims 26-53 should be withdrawn.

New claims 80-81

New independent claim 80 recites:

- receiving, from an instant messaging sender, multiple different personas associated with the instant messaging sender, each of the personas comprising a collection of self-expression items reflecting preferences of the sender and a sender avatar capable of being animated;
- storing the multiple personas in one or more data structures;
- storing, for each of the multiple personas, an association between the persona and at least one potential instant messaging recipient;
- initiating an instant messaging communications session between the instant messaging sender and a particular potential instant messaging recipient;
- accessing the stored association between the persona and the particular potential instant messaging recipient;
- rendering, on an instant messaging recipient system and based on the accessed associations, a selected one of the multiple personas associated with the instant messaging sender.

The applied art fails to teach or suggest the subject matter of claim 80, including at least the "accessing" features. New claims 81-83 depend upon claim 80 and are similarly not anticipated or rendered obvious by the applied art. The timely allowance of the new dependent claims are therefore requested.

Conclusion

It is requested that the Examiner reconsider the application in view of the amendments and remarks, and timely allow pending claims 25-53 and 80-83.

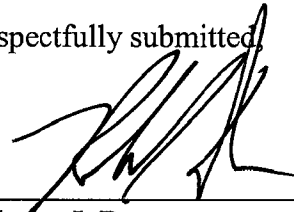
It is believed that all pending issues in the outstanding Office Action have been addressed by this paper. This Action, however, contains a number of statements reflecting characterizations of the related art and the claims. Whether or not any such statement is identified herein does not constitute an automatic subscription to any statement or characterization in the Office Action. In addition, there may be reasons for patentability of any or all pending or other claims that have not been expressed above.

If there are any questions regarding this paper or the application generally, a telephone call to the undersigned would be appreciated since this may expedite prosecution of the application.

It is hereby petitioned that the period for response to the Office Action be extended for one (1) month. The Petition for Extension of Time fee of \$120.00 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please grant any additional extensions of time required to enter this paper and apply any other required charges or credits to Deposit Account No. 06-1050.

Date: 7/18/08

Respectfully submitted,



Roberto J. Devoto
Reg. No. 55,108

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945